



METROPOLITAN
TRANSPORTATION
COMMISSION

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COMMISSION MEETING

Wednesday, March 25, 2009

Joseph P. Bort MetroCenter Lawrence D. Dahms Auditorium
101 Eighth Street
Oakland, CA 94607

MINUTES

ATTENDANCE

Chair Haggerty called the meeting to order at 10:05 a.m. In addition to Chair Haggerty, the following Commissioners were present: Bates, Chu, Cortese, Daly, Dodd, Giacopini, Glover, Halsted, Kinsey, Lempert, Rubin, Sartipi, Sperring, Tissier, Worth and Yeager.

CHAIR'S REPORT

Chair Haggerty presented the Chair's report to the Commission and thanked former Commission Chair Dodd for his last two years of leadership.

COMMITTEE ASSIGNMENTS

Chair Haggerty asked Commissioners to review the list of Committee assignments and moved approval of these appointments as outlined effective April, 2009. Motion passed unanimously.

CLOSED SESSION

At 10:15 a.m. Chair Haggerty asked that the Commission meet in closed session pursuant to Government Code Section 54956.9(a): (1) Darensburg v. MTC, U.S. District Northern Dist. Case No. C-05-01597 (EDL); (2) MTC v. Motorola, Inc., U.S. District Court, Northern District, Case No. C 06-2302 (MMC); and (3) Lewis, et al. v. MTC, et al., Alameda County Superior Court, Case No. RG-09-438262, and as authorized pursuant to Government Code Section 54956.9(b) and/or (c) to confer with counsel regarding anticipated litigation.

OPEN SESSION

The Commission reconvened in open session at 11:00 a.m. MTC General Counsel Francis Chin reported that there was no action taken in closed session.

Scott Haggerty, Chair
Alameda County

Adrienne J. Tissier, Vice Chair
San Mateo County

Tom Azumbrado
U.S. Department of Housing
and Urban Development

Tom Bates
Cities of Alameda County

Dean J. Chu
Cities of Santa Clara County

Dave Cortese
Association of Bay Area Governments

Chris Daly
City and County of San Francisco

Bill Dodd
Napa County and Cities

Dorene M. Giacopini
U.S. Department of Transportation

Federal D. Glover
Contra Costa County

Anne W. Halsted
San Francisco Bay Conservation
and Development Commission

Steve Kinsey
Marin County and Cities

Sue Lempert
Cities of San Mateo County

Jake Mackenzie
Sonoma County and Cities

Jon Rubin
San Francisco Mayor's Appointee

Bijan Sartipi
State Business, Transportation
and Housing Agency

James P. Sperring
Solano County and Cities

Amy Rein Worth
Cities of Contra Costa County

Ken Yeager
Santa Clara County

Steve Heminger
Executive Director

Ann Flemer
Deputy Executive Director, Operations

Andrew B. Fremier
Deputy Executive Director,
Bay Area Toll Authority

Therese W. McMillan
Deputy Executive Director, Policy

EXECUTIVE DIRECTOR'S REPORT

Steve Heminger presented the Executive Director's report to the Commission. Copies of the report are available from the Executive Office or www.mtc.ca.gov.

CONSENT CALENDAR

The Commission unanimously approved the following items on the Consent Calendar:

- Minutes of the Commission meeting of February 25, 2009.

Programming and Allocations Committee

- Resolution No. 3739, Revised – Proposed allocation to Project 7.1 North Connector.
- Resolution No. 3890 – Proposed program for the Regional Express Bus North pool of projects.
- Resolution No. 3889 – Proposed allocation of \$50,000 to Pacheco Transit Center.

Draft MTC Standing Committee Minutes

Draft Committee minutes of the following standing committees were presented for information only; they were provided as background information for items that were being taken up by the full Commission.

- Draft Minutes of the Administration Committee Meeting – March 4, 2009.
- Draft Minutes of the Programming & Allocations Committee Meeting – March 4, 2009.
- Draft Minutes of the Planning Committee Meetings – March 13, 2009.
- Draft Minutes of the Legislation Committee Meeting – March 13, 2009.

Draft MTC Advisory Committee Minutes

Draft Advisory Committee minutes were presented for Commission information only.

- Minutes of the Elderly and Disabled Advisory Committee Meeting – March 5, 2009.
- Minutes of the Minority Citizens Advisory Committee Meeting – March 10, 2009.
- Minutes of the Advisory Council Meeting – March 11, 2009.

COMMITTEE REPORTS

Planning Committee – Spering

Transportation 2035 Plan: Release for Public Comment. As a result of new financial and project information, staff presented revisions to the draft Transportation 2035 Plan and seek Commission approval to release the revised draft for public comment.

The Commission received public comment from the following:

- Bob Planthold, Vice Chair of the Advisory Council, spoke on behalf of Committee Chair Cathy Jackson, MTC Advisory Council approved the following resolution on SB 375 at their February meeting urging MTC to require all funding evaluations where possible to apply criteria, factors & guidelines mentioned in SB375.
- Len Conley, Friends of BRT/Sierra Club – spoke in support of shared public transit services, and suggested name change on transit congestion management agencies to Vehicle Miles Travel Reduction Agencies.
- Gerald Cauthen – spoke about the a need for a second transbay rail crossing – he made references to the high speed rail authority and the transbay rail station configuration EIR contradictions from four trains an hour to 12 trains an hour and compared Japan’s high speed rail with the proposed HSR.
- Jerry Grace – asked about VTA & SamTrans increment in owl service.
- Carli Payne, TRANSFORM – appreciated strengthened language in RTP to serve as advocacy platform for this agency to focus on growth and offered concerns about sensitivity on fare increases and equity concerns.

The Commission unanimously approved the release of the Transportation 2035 revised draft for public comment as presented until April 8th, 2009.

Programming and Allocations Committee – Tissier

- Regional Measure 2 (RM2) Operating Program Update – The Programming and Allocations Committee recommended the discontinuation of RM2 funding on June 30, 2009 for routes not meeting the RM2 performance requirements: 1) AC Transit Route M/MA; 2) Golden Gate’s Route 75; 3) AC Transit Route J; 4) CCCTA’s Route 820 (already discontinued by the operator), and 5) LAVTA’s Route 810 (proposed to be discontinued by operator).

The Commission received public comment from the following:

- Cathy Jackson, Global Investment Co. – not in attendance but, left her card and Chair Haggerty asked that her comments be incorporated into the minutes --- “as a private citizen and business owner and underserved small business. I request that any ARRA and State funding, as a result, please consider incorporating a fund to be used to contract for Small Business products & services who are underserved or at least consider objectives surrounding construction to be inclusive of Small Business who are local, regional and within the state”.

The Commission unanimously approved the Regional Measure 2 (RM2) Operating Program Update after receipt of public comment.

The Commission unanimously approved the following:

- Resolution Nos. 3885, Revised and 3888, Revised – Federal American Recovery and Reinvestment Act: Regional Programming. As requested by the Commission at their March 25, 2009 meeting. This item proposes minor changes to the regional programming of the American Recovery and Reinvestment Act funds approved last month. Transit operators and counties have identified some minor project modifications. Further, the federal agencies clarified that ADA operating expenses would be allowed for up to 10% of the funding so some changes take into account this added flexibility.
- Resolution No. 3896 – Federal American Recovery and Reinvestment Act (ARRA): Proposal for State Funding. On March 11th, the California Transportation Commission provided direction to regional agencies to compile project lists for the state funding element of the ARRA for submittal by March 27th. The Bay Area share of this funding is estimated to be roughly \$155 million, \$10 million of which should be spent on Transportation Enhancements.

The Commission received public comment from the following:

- Marshall Kamena, Mayor of Livermore – spoke in favor of I-580 Interchange project and identified the project as shovel ready project.
- Sandy Wong, Deputy Director of San Mateo County CMA – spoke in support of the staff’s recommendation of Resolution No. 3896 and specifically work with CMAs to work out proposals for equitable fund distribution of 1B bond funds.

The Commission unanimously approved Resolution No. 3896 after receipt of public comment.

Legislation Committee – Rubin

The Commission unanimously approved the support position of the following:

- AB 628 (Block) – “Pay-by-Plate” Toll Collection Authorization.

- AB 1135 (Skinner) – Vehicle Miles Traveled Odometer Data.

The Commission received public comment from the following:

- Don Rothblatt, Advisory Council – spoke in support of the AB 1135.
- Carli Paine, TRANSFORM – spoke in support of the AB 1135.

After receipt of the public comment, the Commission approved the support and seek amendments position of AB 1135 (Skinner) with Commissioners Spering and Worth voting no.

PUBLIC COMMENT/ADJOURNMENT/NEXT MEETING

There being no further business or public comment, Commission Chair Haggerty asked for a Minute of Silence in the Memory of Sgt. Mark Dunakin, Officer John Hege, Sgt. Ervin Romans and Sgt. Daniel Sakai, the four Police Officers who were killed on March 21st in Oakland. Chair Haggerty adjourned the meeting at 12:41 p.m. The next Commission meeting is scheduled for Wednesday, April 22, 2009, in Oakland, California.

Scott Haggerty, Chair